

**REMARKS**

By the above actions, claims 1, 2, 9, and 10 have been amended. More specifically, claim 1 has been amended to incorporate the language of claim 6 (which was merely objected to as dependent from a rejected claim), and claims 2 and 9 have been amended and placed in independent form with claim 10 being amended to conform with the amended language of claim 9. In view of these actions and the following remarks, reconsideration of this application is now requested.

Claims 1-5, 7 and 8 were rejected under 35 USC § 102 based on the disclosure of the Jarmul patent, particularly the embodiments of Figs. 3-6. To the extent that this rejection relates to the claims as now presented, it should be withdrawn for the following reasons.

In accordance with all embodiments of the Jarmul patent, the thermal storage carrier elements are "polyethylene file bags 4" or "polyvinyl chloride film bags" which contain a "fusion salt." The bags 4 rest on "rest on, but are unattached to the shelves" formed by shelf sections 21. Since the bags need to be replaced when the fusion salt is exhausted (column 4, lines 59-61), the housing has "removable side panels 27 which provide access to bags 4."

In contrast, in accordance with amended claim 2, the present invention utilizes carrier plates (not salt-filled film bags) which have a height that is greater than a distance between legs of the loops of the serpentine hollow section in an unstressed state such that a force-fit connection is provided between the serpentine hollow section and the carrier plates due a difference between the height of the plates and the distance between the loops. Jarmul, despite the showing of Fig. 3, would not use such a force-fit since his carrier elements are flexible bags, not plates, so that any force-fit that might exist when the salt is hard would be lost once it melts and would not be resume after it solidifies. Moreover, since the bags of salt used by Jarmul have to be replaced, fixing of them to the carrier shelf sections would be undesirable. Thus, the subject matter of amended claim 2 would not even be obvious from Jarmul's disclosure, let alone anticipated by it. Since the Examiner recognized that the references do not teach the feature of original claim 6, claim 1 should be found to be allowable because it now incorporates the language of claim 6.

Accordingly, the rejection under § 102 based upon the Jarmul patent should be withdrawn and such action is hereby requested.

Claims 9 and 10 were rejected under 35 USC § 103 based on the disclosure of the Jarmul patent when viewed in combination with the Lindner et al. patent. Firstly, there is no basis for the Examiner's statement that Jarmul discloses the use of a rigid plastic material for enclosing his fusion salt. In every embodiment a "bag" made of a plastic "film" is used, clearly indicating that only the use of a flexible material is contemplated. However, even if the heat accumulator of Lindner et al. were to be used in place of the salt-filled plastic film bags of Jarmul, such would not result in the subject matter of amended claim 9 whereby each of the carrier elements is formed of a plurality of layered graphite plates which as set forth in claim 10 are saturated with a phase changing material (see, paragraphs [0032] and [0033] of the specification of the present application). Thus, claims 9 & 10 clearly distinguish the present invention from anything that might be suggested by these references, so that the rejection of these claims under § 103 should be withdrawn and such action is requested.

The prior art that has been cited, but not applied by the Examiner has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon are believed to be warranted at this time.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



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